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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,475	05/15/2001	Naomi Go	206677US6	8087
22850	7590	03/01/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LIN, KENNY S	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 03/01/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/854,475

Applicant(s)

GO, NAOMI

Examiner

Kenny Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 7-10 are presented for examination. Claims 1-6 and 11-17 were previously withdrawn. Claims 18-20 are canceled.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/2005 has been entered.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 10 is rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. A program-storing medium such as a carrier wave is inoperative by itself, thus it is not tangible.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, US 6,711,154, in view of Calvert, US 6,526,275.

7. O'Neal was cited in the previous office action.

8. As per claims 7 and 9, O'Neal taught the invention substantially as claimed including an information-processing apparatus and method, comprising:

- a. An interface configured to control an operation to input transmitted information (col.8, lines 37-67) on a first transmission destination (e.g., voice information delivered to telephone), a second transmission destination (e.g., text delivered to email) and a criterion for selecting either said first transmission destination or said second transmission destination from an information-presenting apparatus (col.8, lines 37-67, col.9, lines 16-20, 28-31, 33-67, col.10, lines 1-32, col.11, lines 2-12, 14-45, col.12, lines 45-46, 51-61); and
- b. A transmission controller configured to control transmission of information on said first transmission destination, said second transmission destination and a criterion for selecting either said first transmission destination or said second transmission destination to said information-presenting apparatus (col.7, lines 59-67, col.8, lines 1-7, col.11, lines 2-12, 14-45).

9. O'Neal did not specifically teach that said criteria includes information corresponding to a geographic location of at least one of the first and second transmission destinations and said information-presenting apparatus is configured to store and transmit commodity information corresponding to the geographic location of at least one of said first and second transmission destinations based on a determined geographic location of the at least one of said first and second transmission destinations. Calvert taught an information-presenting apparatus to store and transmit commodity information corresponding to the geographic location of at least one of the transmission destinations based on a determined geographic location of the at least one of the transmission destinations (col.3, lines 18-34, col.7, lines 57-66, col.8, lines 1-14, col.9, lines 13-16) and that the apparatus includes criteria information corresponding to a geographic location of at least one of the transmission destinations (col.7, lines 53-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neal and Calvert because Calvert's method of providing commodity information to the determined geographic location of the transmission destination enables O'Neal's program to obtain availability and other information for products or services of nearby locations in real-time (see Calvert, col.3, lines 46-66).

10. As per claim 8, O'Neal and Calvert taught the invention substantially as claimed in claim 7. O'Neal further taught said interface further controls an operation to input transmission-method information indicating a first transmission method for said first transmission destination and a second transmission method for said second transmission destination, whereas said

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transmission control means is capable of controlling transmission of information on transmission methods to said information-presenting apparatus (col.8, lines 37-67, col.9, lines 16-20, 28-31, 33-67, col.10, lines 1-32, col.11, lines 2-12, 14-45, col.12, lines 45-46, 51-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neal and Calvert because Calvert's method of providing commodity information to the determined geographic location of the transmission destination enables O'Neal's program to obtain availability and other information for products or services of nearby locations in real-time (see Calvert, col.3, lines 46-66).

11. As per claim 10, O'Neal taught the invention as claimed including a program-storing medium for storing a computer-executable program, comprising:

- a. An input control step of controlling an operation to input transmitted information (col.8, lines 37-67) on a first transmission destination (e.g., voice information delivered to telephone), a second transmission destination (e.g., text delivered to email) and a criterion for selecting either said first transmission destination or said second transmission destination from an information-presenting apparatus (col.8, lines 37-67, col.9, lines 16-20, 28-31, 33-67, col.10, lines 1-32, col.11, lines 2-12, 14-45, col.12, lines 45-46, 51-61); and
- b. A transmission control step of controlling transmission of information on said first transmission destination, said second transmission destination and a criterion for selecting either said first transmission destination or said second transmission

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destination to said information-presenting apparatus (col.7, lines 59-67, col.8, lines 1-7, col.11, lines 2-12, 14-45).

12. O'Neal did not specifically teach that said criteria includes information corresponding to a geographic location of at least one of the first and second transmission destinations and said information-presenting apparatus is configured to store and transmit commodity information corresponding to the geographic location of at least one of said first and second transmission destinations based on a determined geographic location of the at least one of said first and second transmission destinations. Calvert taught an information-presenting apparatus to store and transmit commodity information corresponding to the geographic location of at least one of the transmission destinations based on a determined geographic location of the at least one of the transmission destinations (col.3, lines 18-34, col.7, lines 57-66, col.8, lines 1-14, col.9, lines 13-16) and that the apparatus includes criteria information corresponding to a geographic location of at least one of the transmission destinations (col.7, lines 53-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neal and Calvert because Calvert's method of providing commodity information to the determined geographic location of the transmission destination enables O'Neal's program to obtain availability and other information for products or services of nearby locations in real-time (see Calvert, col.3, lines 46-66).

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13. Claim 10 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Akester et al (hereinafter Akester), WO 97/37499, published on October 9, 1997, in view of Calvert, US 6,526,275.

14. Akester was cited in the previous office action.

15. As per claim 10, Akester taught the invention as claimed including a program-storing medium for storing a computer-executable program, comprising:

- a. An input control step of controlling an operation to input transmitted information on a first transmission destination (e.g., voice message service), a second transmission destination (e.g., office telephone number) and a criterion for selecting either said first transmission destination or said second transmission destination from an information-presenting apparatus (page 1, lines 19-33, page 7, lines 12-19, page 21, lines 7-10, 29; priorities or confidence value CV); and
- b. A transmission control step of controlling transmission of information on said first transmission destination, said second transmission destination and a criterion for selecting either said first transmission destination or said second transmission destination to said information-presenting apparatus (page 6, lines 9-21, page 7, lines 1-11, page 21, lines 20-22).

16. Akester did not specifically teach that said criteria includes information corresponding to a geographic location of at least one of the first and second transmission destinations and said



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information-presenting apparatus is configured to store and transmit commodity information corresponding to the geographic location of at least one of said first and second transmission destinations based on a determined geographic location of the at least one of said first and second transmission destinations. Calvert taught an information-presenting apparatus to store and transmit commodity information corresponding to the geographic location of at least one of the transmission destinations based on a determined geographic location of the at least one of the transmission destinations (col.3, lines 18-34, col.7, lines 57-66, col.8, lines 1-14, col.9, lines 13-16) and that the apparatus includes criteria information corresponding to a geographic location of at least one of the transmission destinations (col.7, lines 53-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Akester and Calvert because Calvert's method of providing commodity information to the determined geographic location of the transmission destination enables Akester's program to obtain availability and other information for products or services of nearby locations in real-time (see Calvert, col.3, lines 46-66).

### ***Response to Arguments***

17. Applicant's arguments with respect to claims 7-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Herz et al, U.S. 6,571,279, disclosed geographic location determining and information delivering.

Anderson et al, U.S. 6,324,531, disclosed determination method of the geographic origin of a commodity.

19. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl  
February 21, 2006

  
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SUPERVISORY PATENT EXAMINER  
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